

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RUSSELL D. MARTIN, §  
*Plaintiff*, §  
v. § SA-11-CA-00768-DAE  
CITY OF SAN ANTONIO, §  
*Defendant*, §

**DEFENDANT CITY OF SAN ANTONIO'S**  
**UNOPPOSED MOTION FOR EXTENSION OF TIME TO REPLY TO MOTION FOR**  
**SUMMARY JUDGMENT RESPONSE**

TO THE HONORABLE JUDGE DAVID A. EZRA

NOW COMES, CITY OF SAN ANTONIO, Defendant in the above styled and numbered cause and files this its Unopposed Motion for Extension to File Documents and would show unto the Court as follows:

1. The parties in this case have filed cross motions for summary judgment. The parties filed their responses to their respective motions on Monday, January 14, 2013. Pursuant to Local Rule C-7(f)(2), the parties had seven days to file replies to said responses. The Court, in a text-only message, extended the deadline to reply until January 29, 2013.
2. Late last week, undersigned counsel contacted the flu. She has been out of the office and remains out of the office, per doctor's recommendation as she recovers. This has severely limited undersigned counsel's time and ability to complete the City's reply. Accordingly, counsel asks that the deadline for all parties to reply to their respective summary judgment responses be extended three additional days to February 1, 2013.
3. Undersigned counsel has conferred with Plaintiff's counsel and they are unopposed to this motion.

WHEREFORE PREMISES CONSIDERED, Defendant City of San Antonio prays this Court grant this Motion for Extension of Time in all things and for such other and further relief both in law and in equity to which it may be entitled.

Respectfully submitted,

CITY OF SAN ANTONIO  
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/s/

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DEBORAH LYNNE KLEIN  
Assistant City Attorney  
SBN: 11556750

and;

FITZPATRICK & KOSANOVICH, P.C.  
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San Antonio, Texas 78283-1121  
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/s/

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SHAWN FITZPATRICK  
SBN: 00787474  
*Attorneys for Defendant City of San Antonio*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system that will send notification of such filing to the following on January 29, 2013:

Javier N. Maldonado  
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San Antonio, Texas 78217

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/s/  
DEBORAH LYNNE KLEIN

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WESTERN DISTRICT OF TEXAS  
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RUSSELL D. MARTIN,  
*Plaintiff,*

v.

CITY OF SAN ANTONIO,  
*Defendant,*

§  
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SA-11-CA-00768-DAE

**ORDER**

CAME ON THIS DAY TO BE HEARD, Defendant CITY OF SAN ANTONIO'S MOTION FOR EXTENSION TO REPLY TO MOTION FOR SUMMARY JUDGMENT RESPONSES and upon consideration of said Motion and the papers in this cause, it being deemed that good cause exists for granting of same;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion for Extension is in all things GRANTED and the deadline for replying to summary judgment responses is extended to February 1, 2013

Signed this \_\_\_\_ day of \_\_\_\_\_, 2013.

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DAVID A. EZRA  
UNITED STATES DISTRICT JUDGE